IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1434 OF 2004

Ramji Ganpat Khandekar
(since deceased) through LRs .. Petitioners.
Vs.
Shri Narayan Viththal
Jadhav & Ors. .. Respondents.

Ms.Gauri Godse for the petitioners.

CORAM : D.B.BHOSALE, J.

DATED : 20TH SEPTEMBER, 2006

P.C.:

. Heard learned counsel for the petitioners.

2. This petition is pending for admission since last more than 2 1/2 years. Notice to the respondents was issued on 24.3.2004. Till this date all the respondents are yet not served. Looking to the long list of the respondents, it may take some more time and as a result thereof the proceedings before the trial Court will be further delayed. Ms.Godse, learned counsel for the petitioners states that in view of the pendency of this petition the suit has not proceeded further. Keeping that in view and considering the overall facts and circumstances of the case and the submissions of the learned counsel for the petitioners, I am satisfied that this petition can

be disposed of by the following order:

. The impugned order dated 2.12.2003 is quashed and set aside. The application at Exhibit-61 filed by the petitioners seeking extension of time to carry out the amendment stands restored to file. The trial Court shall hear and decide the said application afresh after giving an opportunity of being heard to the respondents. While deciding the application, the trial Court shall take into consideration the judgment of this Court in **Sakharbhai Vitha Deore & Ors. Vs. Ramabai Gangadhar Dabhade & Ors. 1998 (4) ALL MR 1 and Salmone Villa Co-operative Housing Society Ltd. Vs. Smt.Mary Fernandes & Ors. 1997 (1) ALL MR 164** relied upon by the petitioners. While passing this order I shall not be understood to have examined the merits of the case and the trial Court shall decide the application in accordance with law as expeditiously as possible and in any case within six weeks from the date of receipt of this order. The petitioners are directed to produce a copy of this order before the trial Court with two weeks from today.

(D.B.Bhosale, J.)